

REAL PROPERTY (COMMONWEALTH TITLES).

16° GEO. V., No. III.

No. 3 of 1925.

AN ACT relating to the Registration of Titles to Land
acquired by the Commonwealth of Australia.

[Assented to 24th September, 1925.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the *Real Property (Commonwealth Titles) Act*, 1925.

Incorporation
with Transfer of
Land Act, 1893.

2. This Act is incorporated with the Transfer of Land Act, 1893.

Interpretation.

3. In this Act, unless the context otherwise requires—
- “Acquired land” means any land which, having become vested, whether before or after the commencement of this Act—
- (a) in the Commonwealth pursuant to the Constitution; or
 - (b) in the Commonwealth or in any Commonwealth authority by any law of the Commonwealth, or any notice, notification of acquisition, proclamation, or order made under any such law,

is for the time being vested either in the Commonwealth or a Commonwealth authority;

“Attorney General” means the Attorney General for the time being of the Commonwealth, or any person to whom the powers and functions of the Attorney General under any law of the Commonwealth have been duly delegated pursuant to any law of the Commonwealth;

“Commonwealth authority” means any authority incorporated by any law of the Commonwealth;

“The Constitution” means the Commonwealth of Australia Constitution Act.

4. With respect to any acquired land which at the time of acquisition thereof is not or was not subject to the provisions of the Transfer of Land Act, 1893, the following provisions shall apply:—

Provision for bringing land acquired by Commonwealth under the Transfer of Land Act.

- (i) If the land is vested in fee simple in the Commonwealth, the Attorney General, or if the land is vested in fee simple in a Commonwealth authority, then the Commonwealth authority in whom the land is so vested, may apply to the Registrar of Titles to bring the land under the provisions of the Transfer of Land Act, 1893:
- (ii) If the land is land which became vested in the Commonwealth pursuant to the Constitution, the Attorney General, or the Commonwealth authority, whichever makes the application, shall furnish the Registrar of Titles with a certificate under the hand of the Attorney General, or the seal of the Commonwealth authority, as the case may be, certifying that the land became so vested in the Commonwealth and setting out any other facts relevant to the title of the Commonwealth or Commonwealth authority:
- (iii) In all cases other than those mentioned in the next preceding paragraph there shall be furnished to the Registrar of Titles in support of the application a copy, certified under the hand of the Attorney General, or the seal of the Commonwealth authority, whichever makes the application, of the notification of acquisition, vesting order, or other instrument or notice (if any) whereby or in pursuance of which the land was vested in the

Commonwealth or Commonwealth authority as aforesaid, and such other evidence of the title of the Commonwealth or Commonwealth authority as the Registrar of Titles may require:

- (iv) The Registrar of Titles may, if he is satisfied as to the title of the Commonwealth or Commonwealth authority, as the case may be, to the land in respect of which the application is made, bring the land under the provisions of the Transfer of Land Act, 1893, by issuing a certificate of title for the land to the Commonwealth or Commonwealth authority in whom the land is vested:
- (v) No contribution to the assurance fund shall be payable in respect of the bringing under the Transfer of Land Act, 1893, of any acquired land.

Transfers of land which is under the Transfer of Land Act when acquired by the Commonwealth.

5. With respect to any acquired land which at the date of the acquisition thereof is or was subject to the provisions of the Transfer of Land Act, 1893, the following provisions shall apply:—

- (i) If the land is vested in the Commonwealth the Attorney General, or if the land is vested in any Commonwealth authority then the authority in whom the land is so vested, may apply to the Registrar of Titles to transfer the land into the name of the Commonwealth or the Commonwealth authority, as the case may be:
- (ii) If the land is land which became vested in the Commonwealth pursuant to the Constitution the Attorney General or the Commonwealth authority, whichever makes the application, shall furnish the Registrar of Titles with a certificate under the hand of the Attorney General, or seal of the Commonwealth authority, as the case may be, certifying that the land became so vested in the Commonwealth and setting out any other facts relevant to the title of the Commonwealth or Commonwealth authority:
- (iii) In all cases other than those mentioned in the next preceding paragraph there shall be furnished to the Registrar of Titles in support of the application a copy, certified under the hand of the

Attorney General, or the seal of the Commonwealth authority, whichever makes the application, of the notification of acquisition, vesting order, or other instrument or notice (if any) whereby or in pursuance of which the land was vested in the Commonwealth or Commonwealth authority as aforesaid, and such other evidence of the title of the Commonwealth or Commonwealth authority as the Registrar of Titles may require:

- (iv) The Registrar of Titles, if he is satisfied as to the title to the land of the Commonwealth or the Commonwealth authority, as the case may be, may deal with and give effect to the application as if it were a duly executed and stamped transfer of the land to the Commonwealth or Commonwealth authority, as the case may be, lodged for registration on the day on which the application was received by the Registrar of Titles.

6. Any entry made in the Register Book or on any certificate of title or instrument before the commencement of this Act for the purpose of transferring into the name of the Commonwealth or any Commonwealth authority any acquired land shall be deemed to have been lawfully and validly made, and any certificate or instrument issued before the commencement of this Act by the Registrar of Titles to the Commonwealth or any Commonwealth authority relating to any acquired land shall be deemed to be and to have been at all times valid and effectual in all respects.

Validation of transfers made and certificates issued before the commencement of this Act.

7. If the Registrar of Titles is satisfied on information received by him from any source that the whole or any part of any land included in a certificate is acquired land, he may, notwithstanding that no application pursuant to section five of this Act has been made, make an entry in the Register Book specifying that the land in question has been acquired by the Commonwealth or Commonwealth authority, as the case may be.

Registrar may enter acquisition in Register Book in certain circumstances.